

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF
2004

MAY 20, 2004.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2966]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2966) to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Right-to-Ride Livestock on Federal Lands Act of 2004”.

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LANDS.

(a) NATIONAL PARK SYSTEM LANDS.—Section 12 of Public Law 91-383 (16 U.S.C. 1a-7) is amended by adding at the end the following new subsection:

“(c) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary of the Interior shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any unit of the National Park System, without consideration of the stated purpose of the unit.”.

(b) BUREAU OF LAND MANAGEMENT LANDS.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following new subsection:

“(e) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any area of the public lands, without consideration of the stated purpose of the area.”.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

“(5)(A) The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) Nothing in subparagraph (A) shall be construed—

“(i) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(ii) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(iii) to create a preference for one recreational use for any unit of the System, without consideration of the stated purpose of the unit.”.

(d) NATIONAL FOREST SYSTEM LANDS.—Section 15 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1613) is amended—

(1) by inserting “(a)” before “REGULATIONS”; and

(2) by adding at the end the following new subsection:

“(b) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

“(1) GENERAL RULE.—The Secretary shall provide for the management of National Forest System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such

use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

“(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

“(C) to create a preference for one recreational use for any unit of the National Forest System, without consideration of the stated purpose of the unit.”.

(e) ISSUANCE OF RULES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall issue final rules to define the meaning of a historical tradition of use of pack and saddle stock animals on Federal lands for purposes of the amendments made by this section.

PURPOSE OF THE BILL

The purpose of H.R. 2966 is to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use.

BACKGROUND AND NEED FOR LEGISLATION

The need for this legislation arises from the perceived land use climate in existence today where “management by closure” is the desired outcome by those who would seek to deny specific uses access to our public lands. This bill directs the Secretary of the relevant department to provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. Not later than 120 days after the date of the enactment of this Act, the relevant Secretaries shall issue final rules to define the meaning of a historical tradition of use of pack and saddle stock animals on federal lands. The Secretaries’ authority to implement emergency closures is not compromised, nor is their ability to implement a temporary or permanent reduction in the use and access of pack and saddle stock animals on such lands after complying with the full review process required under the National Environmental Policy Act (42 U.S.C. §4321 et seq.). The bill also makes clear its purpose is not to promote one form of recreation over another; rather, it is to recognize the historic and cultural contributions of pack and saddle stock on our public lands above simply recreational use. The bill would require the proceeding provisions to be employed on lands administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, and the Forest Service.

COMMITTEE ACTION

H.R. 2966 was introduced by Congressman George Radanovich (R-CA) on July 25, 2003. The bill was referred primarily to the Committee on Resources and in addition to the Committee on Agriculture. Within the Resources Committee, the bill was referred to the Subcommittees, on National Parks Recreation and Public Lands; Forests and Forest Health; and Fisheries Conservation, Wildlife, and Oceans. On September 30, 2003, the Subcommittee on National Parks, Recreation and Public Lands held a hearing on the bill. On March 22, 2004, the Subcommittee met to mark up the bill. Mr. Radanovich offered an amendment in the nature of a substitute that made a number of technical changes recommended by the Administration to the original text. The amendment was agreed to by voice vote. The bill as amended was forwarded to the Full Resources Committee by voice vote. On May 5, 2004, the Full Committee on Resources met to consider the bill. The Subcommittees on Forests and Forest Health and Fisheries Conservation, Wildlife, and Oceans were discharged from further consideration of the bill by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2004.

Hon. RICHARD W. POMPO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2966, the Right-to-Ride Livestock on Federal Lands Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 2966—Right-to-Ride Livestock on Federal Lands Act of 2004

H.R. 2966 would direct the Secretary of the Interior and the Secretary of Agriculture to issue regulations directing federal land management agencies to preserve and facilitate the continued use and access of pack and saddle stock animals on the lands they administer. Under the bill, as a general rule, trails and areas now used by pack and saddle stock animals would remain open and accessible for such use.

Based on information from the Department of the Interior and the Forest Service, CBO estimates that those agencies would spend less than \$500,000 in 2005 to develop regulations under H.R. 2966, assuming the availability of appropriated funds. We also estimate that implementing those regulations would not significantly affect costs to manage federal lands. Enacting the bill would not affect direct spending or revenues.

H.R. 2966 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 12 OF THE ACT OF AUGUST 18, 1970

(Public Law 91-383)

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes.

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SEC. 12. (a) * * *

* * * * *

(c) *USE AND ACCESS OF PACK AND SADDLE ANIMALS.*—

(1) *GENERAL RULE.*—*The Secretary of the Interior shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

(2) *RULES OF CONSTRUCTION.*—*Nothing in paragraph (1) shall be construed—*

(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

(C) to create a preference for one recreational use for any unit of the National Park System, without consideration of the stated purpose of the unit.

SECTION 302 OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

MANAGEMENT OF USE, OCCUPANCY, AND DEVELOPMENT

SEC. 302. (a) * * *

* * * * *

(e) *USE AND ACCESS OF PACK AND SADDLE ANIMALS.*—

(1) *GENERAL RULE.*—*The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduc-*

tion in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) *RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—*

(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

(C) to create a preference for one recreational use for any area of the public lands, without consideration of the stated purpose of the area.

SECTION 4 OF THE NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966

SEC. 4. (a) * * *

* * * * *

(d)(1) * * *

* * * * *

(5)(A) *The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

(B) *Nothing in subparagraph (A) shall be construed—*

(i) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

(ii) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

(iii) to create a preference for one recreational use for any unit of the System, without consideration of the stated purpose of the unit.

* * * * *

**SECTION 15 OF THE FOREST AND RANGELAND
RENEWABLE RESOURCES PLANNING ACT OF 1974**

SEC. 15. (a) REGULATIONS.—The Secretary of Agriculture shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this Act.

(b) *USE AND ACCESS OF PACK AND SADDLE ANIMALS.*—

(1) *GENERAL RULE.*—*The Secretary shall provide for the management of National Forest System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

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